REMARKS

Status of the Claims

Claims 1, 4, 6, 8, 11-15, and 17 are now present in this application. Claims 1, 6, and 8 are independent.

Claims 7 and 16 have been canceled and claims 12, 14, 15, and 17 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Rejection Under 35 U.S.C. § 101

Claims 7 and 16 stand rejected under 35 U.S.C. § 101.

Applicant has canceled claims 7 and 16. Subsequently, Applicant submits that the rejection is no longer applicable and should be withdrawn.

Rejection under 35 U.S.C. §103

Claims 1, 4, 6-8, 11, and 13-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication 2002/0077135 (Hyon) in view of U.S. Patent 6,546,417 (Baker), and further in view of U.S. Patent 6,990,452 (Ostermann). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Claims 1, 6, 8

In the section, "Response to Arguments," the Examiner addresses previous arguments of the Applicant with some further arguments.

In particular, the Examiner alleges that:

> "Ostermann explicitly states that the style markings of an adjacent character are applied to an emoticon. (See "The sender can associate typed words with an emoticon by underlining, coloring, highlighting, or by any other means. For example, the method may comprise providing the sender an option to assign a color to the at least one word such that the chosen emoticon begins to be presented by the animated entity to the recipient at the first typed word with the assigned color and the chosen emoticon presentation by the animated entity ends at the least typed word with the assigned color." (Office Action at paragraph bridging pages 44-45). (see Ostermann at column 11, lines 45-50).

Applicant submits that Ostermann does not teach applying style markings of an adjacent character to an emoticon.

Instead, Applicant submits that Ostermann teaches use of underlining, coloring and highlighting in order to define the starting and stopping points for the <u>duration of expression of an emoticon presentation</u>.

In particular, as disclosed in Ostermann, Fig. 6 shows an example template for a sender to use to create a multi-media message (col. 8, lines 23-24). A user may insert emoticons 103 into the text of the message, where emoticons may be represented as icons or as text (col. 8, lines (col. 8, lines 35-39). Once the sender composes the text of the message, chooses an animated entity 94, and inserts the desired emoticons 103, he or she generates the multi-media message by clicking on the generate message button 98. The animation server 68 creates an animated video of the selected animated entity 94 for audibly delivering the message. The TTS server 66 converts the text to speech. Emoticons 103 in the message are translated into their corresponding facial expressions such as smiles and nods. The position of an emoticon 103 in the text determines when the facial expression is executed during delivery of the message (col. 8, lines 51-62).

Ostermann further discloses that <u>execution of a particular expression preferably occurs before the specific location of the emoticon in the text</u> (col. 8, lines 63-64). According to Ostermann: "In the present invention, the expression of the emoticon begins a predefined number of words or a predefined time before the emoticon's location in the text. Furthermore, the end of the expression of an emoticon may be a predefined number of words after the location of the emoticon in the text or a predetermined amount of time after the location of the emoticon." (col. 9, lines 1-7).

Ostermann discloses an example in which the smile in the sentence "Hello, Jonathan :-) how are you! will begin after the word "Hello" and continue through the word "how" or even through the entire sentence. The animated entity in this case will be smiling while delivering most of the message. (col. 9, lines 8-15).

Ostermann discloses a variation in which the user is provided with an option to associate at least one typed word to a chosen emoticon, wherein if the sender associates at least one typed word to a chosen emoticon, each at least one typed word associated with an emoticon is associated with the presentation by the animated entity of the chosen emoticon. According to Ostermann, "the sender can further modify and control the beginning, length and ending of an <u>emoticon presentation.</u>

The sender can associate typed words with an emoticon by underlining, coloring, highlighting, or any other means." (col. 11, lines 34-44).

In summary, although Ostermann discloses that an emoticon may be represented as either icons or text, and that words can be associated with a chosen emoticon by underlining, coloring or highlighting, Ostermann does not explicitly state that the style markings of an adjacent character are applied to an emoticon, as alleged by the Examiner.

The statement in Ostermann of "providing to the sender an option to assign a color to the at least one typed word such that the chosen emoticon begins to be presented by the animated entity to the recipient at the first typed word with the assigned color and the chosen emoticon presented by the animated entity ends at the last typed word with the assigned color," merely indicates that a color of typed word or words may be used to indicate which word the chosen emoticon presentation begins and which typed word the emoticon presentation ends.

For at least these reasons, Applicant requests that the rejection be reconsidered and withdrawn.

Claims 14-17

Further with respect to claims 14-17, the Examiner indicates that Ostermann teaches "wherein the text containing the predetermined kind of character and the registered image is used in a Hyper Text Markup Language document" as in Fig. 4(a). As pointed out by the Examiner, Ostermann teaches creation of a multi-media message by entering information into a displayed HTML page.

However, example embodiments of the present invention include a case where the text and image are contained within the HTML code. This aspect is required by the claims, which recite that "the text containing the predetermined kind of character and the registered image is used in a Hyper Text Markup Language document."

It may be that the Examiner considers that entry of text and images into a Web page displayed based on an HTML document, to be equivalent to text "used in" an HTML document.

In order to clarify the intended meaning of "used in," Applicant has amended claims 14, 15, and 17 to clarify the aspect of "used in" an HTML document.

Applicant requests that the rejection of claims 14, 15, and 17 be reconsidered and withdrawn based on the claims as amended.

With regard to dependent claims 4, 11 and 13, Applicants submit that claims 4, 11 and 13 depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above, and therefore claims 4, 11 and 13 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

Rejection under 35 U.S.C. §103

Claim 12 stands rejected under 35 U.S.C. § 103 as being unpatentable over Hyon taken together with Baker and Ostermann and further in view of U.S. Application Publication 2002/0124019 (Prouix; newly cited). A complete discussion of the Examiner's rejection is set forth in the Office Action.

Applicant notes that claim 12 depends from claim 1 and thus incorporates the features recited in claim 1. The Examiner's rejection, however, appears to interpret the features recited in claim 12 independent of the context recited in claim 1.

In particular, claim 1 recites a character code for specifying a predetermined kind of character and an image code for specifying a registered image, and that text attribute data (for display of a character corresponding to the character code) includes a style mark to be added to each directly adjacent character. Claim 12 recites "wherein said style mark is a cancel line" and that "the registered image including the mark resembling the cancel line in a position that is substantially continuous with the placement of the cancel line in said at least one adjacent character." In other words, claim 12 presumes a context of a character code and an image code, where a style mark is applied to an adjacent character and the registered image.

The Examiner's rejection expresses that Prouix teaches the claimed "wherein said style mark is a cancel line" and "resembling the cancel line" as: "The font type represents information about the style of the font..." In other words, the Examiner's rejection interprets this claimed feature as though "font type" applies to both the claimed adjacent character and registered image. Applicant submits that the Examiner's interpretation of claim 12 is independent from claim 1, and appears to ignore that claim 12 recites that the registered image includes the mark resembling the cancel line.

In order to address the Examiner's unintended interpretation, and lay out the basis for the claimed language "mark resembling the cancel line" for the registered image, Applicant has amended claim 12 to explicitly recite that the image code for specifying the registered image is different from a character code for specifying a kind of character.

Applicant requests that the rejection of claim 12 be reconsidered and withdrawn based on the claim as amended.

Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert W. Downs**, Registration No. 48222 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: January 14, 2011   Respectfully submitted,

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